

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1. (currently amended) A method for controlling crown gall disease, said method comprising the step of:

(a) introducing onto a plant species susceptible to the disease an effective amount of a biologically pure culture of an α -proteobacteria, wherein the α -proteobacteria is a strain of *Rhizobiaceae Agrobacterium* bacteria genetically engineered to express a *txf* operon, wherein the α -proteobacteria enters the stem of the plant through a wound site on the plant, and wherein the α -proteobacteria produces trifolitoxin which is capable of controlling crown gall disease on plants; and

(b) observing control of crown gall disease on the plant compared to a plant not exposed to the trifolitoxin-producing bacterium, wherein the plant is a grape or Nicotiana plant, ~~a fruit tree or a rose plant~~.

2. (canceled)

3. (currently amended) The method of Claim 2 1 wherein the strain of *Agrobacterium* bacteria is *Agrobacterium vitis*.

4. (currently amended) The method of Claim 3 1 wherein the strain of *Agrobacterium* bacteria is ~~the strain~~ *Agrobacterium vitis* F2/5 including pT2TFXK, ATCC Patent Deposit Designation PTA-2356.

5. (canceled)

6. (previously presented) The method of Claim 1 wherein the α -proteobacteria is genetically engineered to express SEQ ID NO:1.

7. (previously presented) The method of Claim 1 wherein the α -proteobacteria is genetically engineered to express a pT2TFXK plasmid.

8.-9. (canceled)

10. (currently amended) A method for controlling crown gall disease, said method comprising the step of:

(a) introducing onto a plant species susceptible to the disease an effective amount of a biologically pure culture of an α -proteobacteria, wherein the α -proteobacteria is a strain of ~~either *Rhizobium* or *Agrobacterium*~~ bacteria genetically engineered to express a *tx* operon, wherein the α -proteobacteria enters the stem of the plant through a wound site on the plant, and wherein the α -proteobacteria produces trifolitoxin which is capable of-controlling crown gall disease on plants; and

(b) observing control of crown gall disease on the plant compared to a plant not exposed to the trifolitoxin-producing bacterium, wherein the plant is a grape plant, ~~a fruit tree or a rose plant.~~

11.-14. (canceled)

15. (previously presented) The method of Claim 10 wherein the α -proteobacteria is genetically engineered to express SEQ ID NO:1.

16. (previously presented) The method of Claim 10 wherein the α -proteobacteria is genetically engineered to express a pT2TFXK plasmid.

17.-18. (canceled)

19. (previously presented) A biocontrol agent for controlling crown gall disease comprising an α -proteobacteria which is capable of controlling crown gall disease, wherein the α -proteobacteria is a strain of *Agrobacterium* bacteria genetically engineered to express a *tfx* operon to produce trifolitoxin.

20. (canceled)

21. (previously presented) The biocontrol agent of Claim 19 wherein the strain of *Agrobacterium* bacteria is *Agrobacterium vitis*.

22. (previously presented) The biocontrol agent of Claim 21 wherein the strain of *Agrobacterium* bacteria is *Agrobacterium vitis* F2/5 including pT2TFXK, ATCC Patent Deposit Designation PTA-2356.

23. (canceled)

24. (previously presented) The biocontrol agent of Claim 19 wherein the α -proteobacteria is genetically engineered to express SEQ ID NO:1.

25. (previously presented) The biocontrol agent of Claim 19 wherein the α -proteobacteria is genetically engineered to express a pT2TFXK plasmid.

26. (canceled)

27. (previously presented) The method of Claim 10 wherein the strain of *Rhizobium* bacteria is *Rhizobium leguminosarum*.

28.-32. (canceled)

33. (new) A grape plant inoculated with the strain of Claim 3.

34. (new) A grape plant inoculated with the strain of Claim 27.

35. (new) A grape plant exposed to an effective amount of a biologically pure culture of an α -proteobacteria, wherein the α -proteobacteria is a strain of *Agrobacterium* bacteria genetically engineered to express a *txf* operon, wherein the α -proteobacteria enters the stem of the plant through a wound site on the plant, and wherein the α -proteobacteria produces trifolitoxin which is capable of controlling crown gall disease on the plant.

36. (new) A grape plant exposed to an effective amount of a biologically pure culture of an α -proteobacteria, wherein the α -proteobacteria is a strain of *Rhizobium* bacteria genetically engineered to express a *txf* operon, wherein the α -proteobacteria enters the stem of the plant through a wound site on the plant, and wherein the α -proteobacteria produces trifolitoxin which is capable of controlling crown gall disease on the plant.